

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JO ANN HOWARD AND ASSOCIATES, P.C.,)	
SPECIAL DEPUTY RECEIVER OF LINCOLN)	
MEMORIAL LIFE INSURANCE COMPANY,)	
MEMORIAL SERVICE LIFE INSURANCE)	
COMPANY, AND NATIONAL)	
PREARRANGED SERVICES, INC.; ET AL.,)	
)	
Plaintiffs,)	Case No. 09-CV-1252-ERW
v.)	
)	
RANDALL K. SUTTON; BRENT D. CASSITY;)	
J. TYLER CASSITY; RHONDA L. CASSITY;)	
ET AL.,)	
)	
Defendants.)	

**STIPULATED VOLUNTARY DISMISSAL WITH PREJUDICE
OF COMPLAINT AGAINST BREMEN BANK AND TRUST COMPANY**

Plaintiffs and Defendant Bremen Bank and Trust Company (“Bremen”), under Fed. R. Civ. P. 41(a)(2), request an Order of the Court approving dismissal with prejudice of Plaintiffs’ claims against Bremen, as contained in Plaintiffs’ Third Amended Complaint.

1. Defendant Bremen has not pleaded a counterclaim or filed a motion for summary judgment.
2. Defendant Bremen and Plaintiffs’ counsel agree to this dismissal with prejudice.
3. Plaintiffs’ dismissal with prejudice against Defendant Bremen shall not affect Plaintiffs’ claims contained in Plaintiffs’ Third Amended Complaint against the remaining defendants.
4. Plaintiffs and Defendant Bremen stipulate and agree to this dismissal with prejudice.

**DEFENDANT BREMEN BANK AND TRUST'S
CONSENT TO DISMISSAL WITH PREJUDICE**

Defendant Bremen consents to, and requests the Court to enter an order, granting this stipulated dismissal with prejudice.

s/ Thomas Cummings

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Dated this 15th day of December, 2014.

Respectfully submitted,

s/ Wendy B. Fisher

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Attorneys for Plaintiffs Jo Ann Howard and Associates, P.C., in its capacity as Special Deputy Receiver of Lincoln Memorial Life Insurance Company, Memorial Service Life Insurance Company, and National Prearranged Services, Inc.; the National Organization of Life and Health Insurance Guaranty Associations; the Missouri Life & Health Insurance Guaranty Association; the Texas Life & Health Insurance Guaranty Association; the Illinois Life & Health Insurance Guaranty Association; the Kansas Life & Health Insurance Guaranty Association; Oklahoma Life & Health Insurance Guaranty Association; the Kentucky Life & Health Insurance Guaranty Association; and the Arkansas Life & Health Insurance Guaranty Association

CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2014, the foregoing **STIPULATED VOLUNTARY DISMISSAL WITH PREJUDICE OF COMPLAINT AGAINST BREMEN BANK AND TRUST COMPANY** was filed electronically with the Clerk of Court and served by operation of the Court's electronic filing system upon all counsel of record in this case participating in Electronic Case Filing.

I hereby further certify that on December 15, 2014, the foregoing was sent by United States Postal Service or by electronic means, as indicated below, to the following non-participants in Electronic Case Filing:

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